



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 28, 1998

Ms. Tamara Armstrong
Assistant County Attorney
County of Travis
P.O. Box 1748
Austin, Texas 78767

OR98-0273

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 112144.

The Travis County Sheriff's Department (the "department") received a request for a specific offense report. You claim that the requested information is excepted from disclosure under sections 552.101, 552.103, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, you argue that because the case involves juvenile offenders, the requested information is excepted under section 552.101 in conjunction with section 58.007 of the Family Code.¹ Section 58.007 of the Family Code now provides that law enforcement records concerning a child must not be publicly disclosed. Act of June 2, 1997, 75th Leg., R.S., ch. 1086, 1997 Tex. Sess. Law Serv. 10 (Vernon) (to be codified as an amendment to Tex. Fam. Code Ann. § 58.007(c)). This confidentiality language was added to section 58.007 during the last legislative session. Prior to the amendment, juvenile records were open to public inspection. Since the conduct at issue here occurred during the period when juvenile records were open to public inspection, between January 1, 1996, and August 31, 1997, we conclude that the department may not withhold the requested records under section 552.101.

You also argue that the documents may be withheld under section 552.108. Section 552.108, the "law enforcement exception," provides in relevant part as follows:

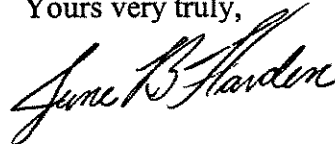
¹Section 552.101 of the Government Code excepts from required public disclosure information that is "confidential by law," and encompasses information made confidential by statute.

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication

You state that the requested information pertains to an ongoing investigation. Furthermore, you explain that once the department completes its investigation of this case, this case will be referred to the Travis County District Attorney's office for possible prosecution. Because you have shown that release of the requested information would interfere with the detection, investigation or prosecution of crime, we conclude that the requested information may be withheld under section 552.108(a)(1). See Open Records Decision No. 216 (1978). We note, however, that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. Gov't Code § 552.108(c); see Open Records Decision No. 127 (1976) (summarizing types of information deemed public by *Houston Chronicle*).

Because we are able to make a determination under section 552.108, we need not address your 552.103 claim. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/glg

Ref.: ID# 112144

Enclosures: Submitted documents

cc: Ms. Vivian Caceres
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(w/o enclosures)